

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

KENNETH GUILMETTE, )  
Plaintiff, )  
 )  
v. ) C.A. No. 09-11328-MLW  
 )  
ROBERT C. LABARGE, JR., )  
BRIAN O'NEILL, )  
Defendants. )  
 )

VERDICT

QUESTION 1

1(a) Did either defendant use unreasonable force against Kenneth Guilmette on July 20, 2006?

Yes \_\_\_\_\_ No \_\_\_\_\_ 

If you answered Question 1(a) "Yes," answer Question 1(b). If you answered Question 1(a) "No," go to Question 2.

1(b) Did the use of unreasonable force proximately cause any harm to Kenneth Guilmette?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered Question 1(b) "Yes," answer Question 1(c). If you answered Question 1(b) "No," go to Question 2.

1(c) Which of the defendants has been proven to be responsible for the violation of the right to be free of the use of unreasonable force on July 20, 2006 that you have found?

Robert LaBarge Yes \_\_\_\_\_ No \_\_\_\_\_

Brian O'Neill Yes \_\_\_\_\_ No \_\_\_\_\_

**QUESTION 2**

2(a) Did Kenneth Guilmette have a serious medical need while in the custody of the Massachusetts State Police on July 20 and 21, 2006.

Yes \_\_\_\_\_ X \_\_\_\_\_ No \_\_\_\_\_

If you answered Question 2(a) "Yes," answer Questions 2(b) and 2(c). If you answered Question 2(a) "No," see the instructions for Question 3.

2(b) Did either defendant know of Kenneth Guilmette's serious medical need and intentionally deny Mr. Guilmette adequate medical care to address that need in order to cause Mr. Guilmette pain or knowing that he would suffer unnecessarily?

Yes \_\_\_\_\_ No \_\_\_\_\_ X \_\_\_\_\_

2(c) Did either defendant know of Kenneth Guilmette's serious medical need and act with deliberate indifference by denying, delaying, or interfering with the provision of adequate medical care to address that need without a good faith, reasonable basis to do so?

Yes \_\_\_\_\_ No \_\_\_\_\_ X \_\_\_\_\_

If you answered either or both of Questions 2(b) and (c) "Yes," answer Question 2(d). If you answered both of Questions 2(b) and (c) "No," see the instructions for Question 3.

2(d) Did the denial, delay, or interference with Kenneth Guilmette's right to adequate care for a serious medical need proximately cause any harm to Mr. Guilmette?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered Question 2(d) "Yes," answer Question 2(e). If you answered Question 2(d) "No," see the instructions for Question 3.

2(e) Which of the defendants has been proven to be responsible for the denial, delay, or interference with the provision of adequate medical care for the serious medical need of Kenneth Guilmette that you have found proven?

Robert LaBarge Yes \_\_\_\_\_ No \_\_\_\_\_

Brian O'Neill Yes \_\_\_\_\_ No \_\_\_\_\_

QUESTION 3

3(a) Did either defendant intend to inflict emotional distress on Kenneth Guilmette?

Yes \_\_\_\_\_

No X \_\_\_\_\_

If you answered Question 3(a) "Yes," answer Question 3(b). If you answered Question 3(a) "No," go to Question 4.

3(b) Did a defendant who intended to cause Kenneth Guilmette emotional distress proximately cause Mr. Guilmette to suffer severe emotional distress?

Yes \_\_\_\_\_

No \_\_\_\_\_

If you answered Question 3(b) "Yes," answer Question 3(c). If you answered Question 3(b) "No," go to Question 4.

3(c) Which of the defendants has been proven to be responsible for intentionally inflicting emotional distress on Kenneth Guilmette?

Robert LaBarge

Yes \_\_\_\_\_

No \_\_\_\_\_

Brian O'Neill

Yes \_\_\_\_\_

No \_\_\_\_\_

QUESTION 4

Answer Question 4(a) if you answered "Yes" concerning at least one defendant in deciding Question 1(c), 2(e), and/or 3(c).

4(a) What amount of money is necessary to compensate Kenneth Guilmette for any harm he suffered as a result of the violation or violations of his rights you found if you answered Questions 1(c), 2(e), or 3(c) "Yes."

\$ \_\_\_\_\_

If you found Robert LaBarge and Brian O'Neill both violated Kenneth Guilmette's rights in answering Question 1(c), 2(e) and/or 3(c), answer Question 4(b).

4(b)(i) Do you find Robert LaBarge and Brian O'Neill are jointly liable for causing the total amount of damages that you have awarded in answering question 4(a)?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered Question 4(b)(i) "No", answer Question 4(c)(i) and (ii).

4(c)(i) For what amount of the total damages you have awarded in answering Question 4(a) are the defendants jointly liable?

\$ \_\_\_\_\_

4(c)(ii) For what amount of the total damages you have awarded in answering Question 4(a), if any, is each defendant solely liable?

Robert LaBarge      \$ \_\_\_\_\_

Brian O'Neill      \$ \_\_\_\_\_

If you answered Question 1 (c) and/or 2 (e) "Yes," but found that for those violations of Kenneth Guilmette's federal rights, no actual damages were proven, answer Question 4(d).

4(d)(i) Do you award Kenneth Guilmette nominal damages for the violation(s) of his constitutional rights that you have found to be proven?

Yes \_\_\_\_\_ No \_\_\_\_\_

(ii) If so, what amount of nominal charges do you award?

\$ \_\_\_\_\_

11/25/13  
Date

Elizabeth a Meyer  
Foreperson